

## **REMARKS**

Claims 1 – 12 are now pending in the application. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection(s) in view of the following remarks.

### **REJECTION UNDER 35 U.S.C. § 103**

The Examiner rejected claims 1 – 12 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) and Caputo et al. (U.S. 5,778,071) in view of Hayosh (U.S. 6,212,504). Applicant respectfully traverses this rejection.

Claims 1, 2, 4, 6, 8, 10 and 12 are the independent claims. Turning first to claim 1, claim 1 is directed to a security method for transmission to a remote device of data input into a transaction terminal as clear text data. As discussed in the present application, transmission of data as clear text data is transmitting the data without encrypting it. More specifically, it is directed to determining when a data entry prompt is a secure prompt so that data can then be transmitted as clear text data. Claim 1 recites, in pertinent part:

“(b) determining that the data entry prompt is a secure prompt upon the occurrence of any of the conditions of:

- (i) the data entry prompt matching at least one of the prompts in the secure prompt table,
- (ii) the data entry prompt matching only a portion of any of the secure prompts in the secure prompts table, and
- (iii) any of the prompts in the secure prompt table matching only a portion of the data entry prompt.”

The Examiner concedes that the AAPA does not disclose these limitations. But the Examiner takes the position that Caputo discloses “a digital algorithm (algorithm or plain text data) that includes a private/public keys [sic] or portion of the secure prompts.” The Examiner also takes the position Hayosh discloses a digital signature with clear text data and that it would have been obvious to modify the teaching of AAPA and Caputo by including the limitations allegedly taught by Hayosh as this would produce a digital signature using clear text data (or encryption).

Applicant submits that neither Caputo or Hayosh disclose the above limitations of claim 1. Caputo is directed to a portable security device that can be carried by an individual and connected to telephone circuits to both authenticate the individual and encrypt data communications. [Caputo, Abstract] Contrary to the position that applicant understands the Examiner is taking, applicant submits that Caputo does not deal with the use of secure prompts, and thus cannot disclose determining that a data entry prompt is a secure prompt upon the occurrence of any of the conditions recited in claim 1. In this regard, applicant submits that the sections of Caputo cited by the Examiner to support the position that Caputo discloses the use of secure prompts do not do so. The first section, col. 10, lines 51 – 67, simply discloses that Caputo’s data is encrypted before it is transmitted. The second section of Caputo cited by the Examiner deals with the sender of the encrypted data authenticating it and the receiver verifying it, as can be seen by the discussion in Caputo that introduces the second section cited by the Examiner. [See, Caputo, col. 12, lines 14 – 17]. But a sender authenticating encrypted data and the receiver verifying it does not involve a method for transmitting data in clear text form in response to a secure prompt and does not involve determining when a data entry prompt is a secure prompt. The third section of Caputo cited by the Examiner deals with device and user authentication, i.e., digital

signatures, as can be seen from the section of Caputo introducing the third section cited by the Examiner. [See, Caputo, col. 14, lines 10 - 14]. This again does not deal with transmitting data in clear text form in response to a secure prompt and does not involve determining when a data entry prompt is a secure prompt.

Hayosh also fails to disclose the use of secure prompts, and thus cannot disclose determining that a data entry prompt is a secure prompt upon the occurrence of any of the conditions recited in claim 1, and the Examiner does not cite it as doing so. Rather, the Examiner cites Hayosh as disclosing a digital signature with clear text data. Applicant's invention is not directed to using a digital signature with clear text data, but determining whether a data entry prompt is a secure prompt and transmitting data in clear text form only upon determining that the data entry prompt is a secure prompt. Applicant submits that the combination of Hayosh with Caputo and the AAPA thus fails to disclose or suggest applicant's invention as claimed in claim 1.

Claim 2 recites, in pertinent part:

“(b) determining that the data entry prompt is a secure prompt upon the occurrence of any of the conditions of:

- (i) the data entry prompt matching any prompt in the secure prompt table, and
- (ii) the data entry prompt matching only a portion of any prompt in the secure prompt table.”

Again, the Examiner admitted that the AAPA does not disclose these limitations. Neither does Caputo or Hayosh. As discussed, Caputo does not disclose or discuss determining whether a data entry prompt is a secure prompt, and thus cannot disclose or suggest doing so based upon any of the conditions recited in claim 4. Similarly, Hayosh also does not disclose or discuss determining whether a data entry prompt is a

secure prompt. Applicant submits that claim 2 is thus allowable over the combination of the AAPA, Caputo and Hayosh.

Claim 4 recites, in pertinent part:

“(b) determining that the data entry prompt is a secure prompt upon the occurrence of any of the conditions of:

- (i) the data entry prompt matching any prompt in the secure prompt table, and
- (ii) any prompt in the secure prompt table matching only a portion of the data entry prompt.”

Again, the Examiner admitted that the AAPA does not disclose these limitations. Neither does Caputo or Hayosh. As discussed, Caputo does not disclose or discuss determining whether a data entry prompt is a secure prompt, and thus cannot disclose or suggest doing so based upon any of the conditions recited in claim 4. Hayosh also does not disclose or discuss determining whether a data entry prompt is a secure prompt. Applicant submits that claim 4 is thus allowable over the combination of the AAPA, Caputo and Hayosh. Applicant submits that claim 4 is thus allowable over the combination of the AAPA and Caputo.

The remaining independent claims, claims 6, 8, 10 and 12, contain limitations comparable to the limitations discussed above with respect to one or more of claims 1, 2 and 4. Applicant submits that claims 6, 8, 10 and 12 are thus allowable over the combination of the AAPA and Caputo.


The dependent claims, claims 3, 5, 7, 9 and 11 depend from respective ones of the independent claims and are allowable for at least that reason.

## CONCLUSION

Applicant submits that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 21-JUL-04

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